

Application No.: 10/002,854

Remarks/Arguments

Amendments to the Claims

Claims 1-9, 11-92, 99 and 101-104 have been canceled.

Claims 10 and 100 were previously amended and these amendments were entered according to the Advisory Action dated December 8, 2005.

Claims 10, 93-98, 100 and 105 are pending in the application.

Discussion

The Office mailed a final rejection in the above-referenced case (US Serial Number 10/002,854) on 3/30/2005. In response, Applicants timely filed an amendment under 37 CFR 1.116 on 6/30/2005. Applicants' attorney phoned the Examiner on 7/27/2005 to discuss the amendment and was informed that the amendment did not place the application in condition for allowance and that an Advisory Action would be forthcoming. Applicants then filed a Notice of Appeal on 8/1/2005. Applicants' attorney placed several subsequent telephone calls inquiring as to the status of the application and when an Advisory Action would be mailed. The Advisory Action and Telephone Summary Record inviting a subsequent interview were not mailed until 12/8/2005, over five (5) months from the date of Applicants' amendment. The reason(s) for the Office delay is unclear. Further, the Advisory Action failed to note whether the Applicants' amendment had been entered (See Advisory Action mailed 12/8/2005; item 7 where neither box (a) nor box (b) is checked). However, as has been subsequently learned from checking the public PAIR site, the first page of Applicants Amendment after final shows the Examiner's initials beneath the words "OK to enter" in the margin.

Although it is undisputed that this information was not timely communicated to Applicants, it is now assumed, based on the information in the record that the amendment was entered. Accordingly, Applicants have made the appropriate amendments in the claims presented here. Furthermore, Applicants have canceled certain claims in an effort to simplify issues on appeal.

Application No.: 10/002,854

Respectfully submitted,

EDWARDS ANGELL PALMER & DODGE

By *Amy Leahy*
Amy Leahy, Registration No. 47,739
Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston, MA 02205
(203) 353-6817
Attorney for Agent

Dated: February 27, 2006